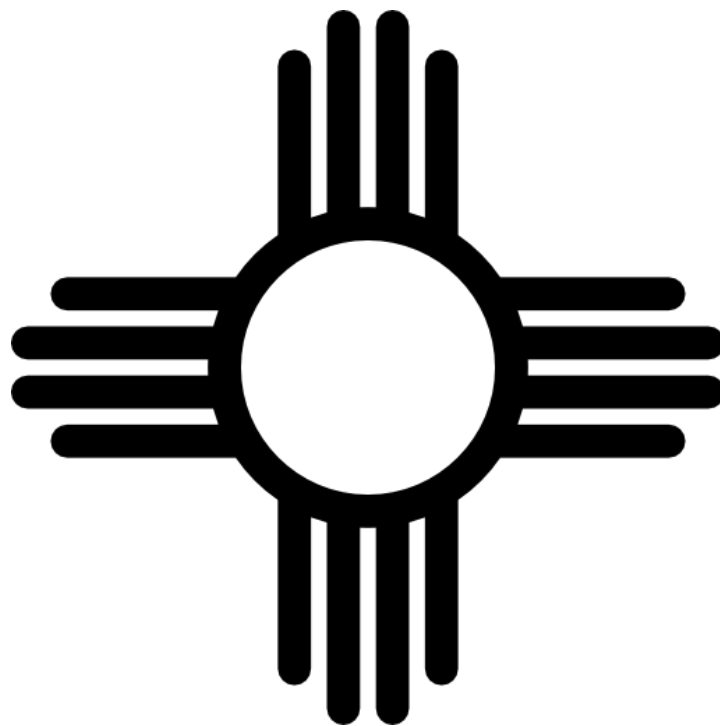




Enchanting Practices

The Mescalero Apache Nation's Story of Planning in the State of New Mexico



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Entrance to the Mescalero Apache Reservation (image courtesy of Alamogordo Daily News)

**This graduate masters thesis is dedicated to the Mescalero Apache Tribe
of Central Southern New Mexico.**



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Abstract

This thesis will convey the story of the Mescalero Apache tribe's historic and contemporary approaches to planning in their homelands in Southern New Mexico. Conveying this story means many things: a holistic understanding of the context of the Mescalero Apache people's traditional and contemporary planning practices; better understanding of indigenous planning practices in North America, and the world; and an improved understanding of a non-White approach to planning that can better inform contemporary and future planning practices. Indeed, the lessons learned in this thesis prove not only the significance of understanding indigenous planning practices, but also that many of the lessons it teaches are ones which non-indigenous planners have been striving to incorporate.

Through an in-depth literature review, as well as findings outlining cultural, religious, public health, and economic indicators, readers will be provided with a comprehensive outline of the planning practices of the Mescalero Apache. It is my hope that with the conclusion of this study will come one more missing piece of that puzzle, taking planners one step closer to a more rounded methodology and approach to the field, as well as a more inclusive one. Though it cannot right the wrongs of past generations of planners, it can change planning's future course.



I. Introduction

Despite federal efforts during the past century that simultaneously sought to assimilate and then terminate tribal societies and their reservation homelands, tribal communities, miraculously, continue to exist, and, in an increasing number of cases, to prosper” (Zafaretos, 2).

The planning practice of all Native Peoples in the Americas is a topic that is far too overlooked in the field. With the thousands of tribes that exist in North America alone, come thousands of different approaches to the built and civic environments, with roots and practices stretching back thousands of years. The story of planning for the Mescalero Apache people is one example. One of the three branches of the Apache tribe, the Mescalero Apache people have been located in the American Southwest for hundreds of years¹. Though nomadic, the center of their activity was in Southern New Mexico near the Sacramento Mountains. Confined to a reservation surrounding this area in 1873, the Tribe has continued to this day, and so too has its cultural heritage which includes a unique perspective and approach to planning. From the tribe’s own history of planning to how the tribe keeps its identity through planning in the present day, it is a story long overdue for inclusion in the overall planning narrative and one from which much can be learned.

¹“Our Culture.” *Official Website of the Mescalero Apache Tribe*, 2020, mescaleroapachetribe.com/our-culture/.



II. Acknowledgement

Countless people died during the forced removal of Native Peoples. The United Nations definition² of the word “genocide,” include the following; “(1) *Killing members of the group*; (2) *Causing serious bodily or mental harm to members of the group*; (3) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*; (4) *Imposing measures intended to prevent births within the group*; (5) *Forcibly transferring children of the group to another group*.” If one follows these definitions, almost all of them can be shown to have been inflicted on the Mescalero Apache people in nearly every article referring to them made in New Mexico in the period after the Civil War. Indeed, all of Indian Removal in the late 19th century can easily be referred to as a Genocide. Through the systemic dehumanization and taking advantage of Native Peoples, thousands of cultures and lives were lost.

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“The externally induced, and often turbulent circumstances that tribes face in their pursuit of improved reservation conditions, include seemingly insurmountable obstacles that continue to frustrate tribal governments as they plan their communities’ futures” (Zaferatos, 3)

²“United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, 2020, www.un.org/en/genocideprevention/genocide.shtml.



Now comes the hard part - we must ask ourselves, why is the system like this? Who are we as planners 'planning' for if we aren't actually planning for the benefit of our own citizens? Clearly this is a systemic issue. I am reminded Horst Rittel and Melvin Webber's use of the concept of "wicked problems" in their 1973 piece *Dilemmas in a General Theory of Planning*³. "Wicked Problems" are defined as problems of planning which, "*lack clarity in both their aims and solutions, [provide] challenges of articulation and internal logic, [and are] subject to real-world constraints that prevent multiple and risk-free attempts at solving.*"⁴ But wait, there's more. They also include a 10 tiered list of prerequisites. Without these, no "Wicked Problem." They are as follows⁵:

- 1) *They do not have a definitive formulation.*
- 2) *They do not have a "stopping rule." In other words, these problems lack an inherent logic that signals when they are solved.*
- 3) *Their solutions are not true or false, only good or bad.*
- 4) *There is no way to test the solution to a wicked problem.*
- 5) *They cannot be studied through trial and error. Their solutions are irreversible so, as Rittel and Webber put it, "every trial counts."*

³ Rittel, Horst W. J., and Melvin M. Webber. "Dilemmas in a General Theory of Planning." Sympoetic.net, Springer, 1973, www.sympoetic.net/Managing_Complexity/complexity_files/1973%20Rittel%20and%20Webber%20Wicked%20Problems.pdf.

⁴ "Wicked Problem." *What's a Wicked Problem?*, Stony Brook University Press, 2020, www.stonybrook.edu/commcms/wicked-problem/about/What-is-a-wicked-problem.

⁵ "Wicked Problem." *What's a Wicked Problem?*, Stony Brook University Press, 2020, www.stonybrook.edu/commcms/wicked-problem/about/What-is-a-wicked-problem.



- 6) *There is no end to the number of solutions or approaches to a wicked problem.*
 - 7) *All wicked problems are essentially unique.*
 - 8) *Wicked problems can always be described as the symptom of other problems.*
 - 9) *The way a wicked problem is described determines its possible solutions.*
 - 10) *Planners, that is those who present solutions to these problems, have no right to be wrong.*
- Unlike mathematicians, “planners are liable for the consequences of the solutions they generate; the effects can matter a great deal to the people who are touched by those actions.”*

Analysis of the list reveals that all can be applied to the dilemma of Native American planning in the United States. The sheer amount of different tribes and reservations means that a definitive formulation of the issue never occurred at once - rather it happened so often in so many instances that the issue essentially became system wide. The problem never gained a “stopping rule” a) because it’s never really solved, and b) means to change it have never been introduced. Their solution to the issue would be a good one in theory, but there truly is no way to test one method because there are so many tribes and reservations with unique needs. Additionally, despite the entire system itself being implemented via a trial and error process, any new methods which aim to address the problem most certainly could not. As mentioned previously, there are a plethora of approaches to solving this wicked problem in particular, and not just because of the number of different subgroups within the larger Native American community, but also because, again restating the prerequisites, each group’s problem is ‘essentially unique.’ Where the connectivity comes in is that it is a systemic issue in and of itself: it is just one of the many ways in which Native Americans have been marginalized, and thus, the



wicked problem of Native American planning can indeed be “*described as the symptom of other problems.*”

Going back to solutions, the way in which the issues at hand in Native American communities are categorized themselves also has a strong effect on the solutions to them - case and point being that those who have previously overseen both “Fee” and “Trust” land use on Native lands haven’t even seen a problem in the first place! This brings us to the final pre-requisite: planner’s cannot afford to be wrong in their solutions. If there haven’t been solutions provided in the first place, and on top of that the current system itself seems to be saying, “it’s working just fine,” then actually approaching the dilemma of Native American planning seems like little more than a pipe dream.

The dilemma posed in my first question above is tackled head on here: “why is the system like this?” We are taken back to the Colonial/Frontier Era, which, incidentally, was the beginning of the modern era of Planning, and see that a framework in the system has indeed existed since:

“During the industrial age, the idea of planning, in common with the idea of professionalism, was dominated by the pervasive idea of efficiency. Drawn from 18th century physics, classical economics and the principle of least-means, efficiency was seen as a condition in which a specified task could be performed with low inputs of resources.” (Rittel and Webber, 158)

Industrialization, efficiency, and ‘classical’ economics were all issues at the forefront of colonial society, and its cornerstone: manifest destiny. While these issues have existed in a



different context for Native peoples throughout history, for White Americans in the 18th and 19th centuries, it meant getting rid of anything which stood in the way of individual success - including Native peoples (remember what happened to the Jicarilla Apaches?) To White American settlers, they were an obstacle, and thus a problem to be dealt with. It's why the Trail of Tears and "Indian Territory" exist as scars on our national historical narrative.

Answering the question further, this also led to an incredibly entitled approach to governance: while various tribes of Native people often had a governing process similar to western-society's notion of 'democracy,' it still operated at a different scale and in a different context. By placing Native peoples into a framework designed by Whites for Whites, it forced them against their will into a system they were not used to and did not want to be a part of. Indeed, it is the wrong kind of uniformity - equality without equity, thereby placing people at the bottom of the barrel, which has been the cause of so many other problems for Native peoples. Further on in Rittel and Webber's piece they write:

"We are now sensitized to the waves of repercussions generated by a problem-solving action directed to any one node in the network, and we are no longer surprised to find it inducing problems of greater severity at some other node." (Rittel and Webber, 159)

American Indians have been subject to generalizations on a massive societal scale, not just in the form of harmful stereotypes, but also through policy. Native peoples have been generalized, and put under a large scale umbrella of laws and guidelines: it's almost as if reservations are treated like individual states within a nation - a concept that seems reasonable until one realizes that the states in question are actually individual nations themselves, many of



which are far older than the United States. While these regulations do serve as a roadmap of sorts, they do not address the needs of individual tribes, while simultaneously undermining the rules and needs put forth by tribal governments. This segways into the other issue: a lack of attention from the federal government, and thus lack of curated care. Because of these umbrella rules, Native American planning exists in the above mentioned context of an oppressive White planning practice as an afterthought. Because it lacks specified attention and in many cases was designed to ‘cage’ people or displace them in the first place, it is a broken means to an end, a counterproductive and contradictory methodology, and thus a truly wicked problem.



III. Research Question

For this thesis, the main research question is what can be learned from the Mescalero Apache Tribe of Southern New Mexico's historical and contemporary approaches to planning practice. This question perfectly captures the essence of the main objective of this project: to catalogue the chronology of the Mescalero Apache Tribe of Southern New Mexico's planning practice, as well as to provide an analysis of the ways in which that practice has been manifested in the present day. It will establish in written form the comprehensive story of planning for the Mescalero Apache people through past-conducted interviews and research. The interviews will be used to paint a picture of the unique and varied story of planning for the Mescalero Apache. This will culminate into a chronology of the Mescalero Apache Tribe of Southern New Mexico's planning practice, as well as an analysis of the ways in which that practice is manifested in the present day. These objectives are intended to provide a single chronology to the Mescalero People of their planning history, as well as an insightful report for outsiders who wish to learn about the unique and distinctive Mescalero Apache approach to planning. Moreover, it will make an effort to begin making up for the neglect shown to groups like the Mescalero Apache people, finally providing planners and others with a perspective and approach to planning that is unique and underrepresented both in academia and in practice.



Mescalero Apache village in Tularosa Canyon, New Mexico, 1888, (image courtesy of Frode Øyen)



City of Mescalero in Tularosa Canyon in the present day, headquarters of the Mescalero Apache Tribe (image courtesy of City-Data.com)



IV. Methods

In this thesis project, the subjects in question will be the citizens of the Southern New Mexico Mescalero Apache Tribe. The methods by which I gained access to interviews in order to answer the objectives outlined previously involved searching through archives provided on Newspapers.Com of local news sources in Southern New Mexico as well as through the Mescalero Apache News, and the archives of the *Apache Scout*, newspaper. These sources provided a near first hand, on-the-ground set of narratives, which were an invaluable resource for rendering the Mescalero Tribal planning story.

Correspondence to take place over the phone, through Zoom, Skype or Google Hangout, via Email or instant messaging, or through written letter with the Mescalero Apache Tribal Council was attempted, though only Facebook and Email received responses from Tribal members. Due to the dangers of the COVID-19 pandemic, an in person visit to the reservation in Mescalero, New Mexico, or the surrounding communities of Ruidoso, New Mexico, Cloudcroft, New Mexico, and Alamogordo, New Mexico was out of the question. In-person interviews were also not possible during the time of this study. While I pursued this as a possibility on the side for a few months towards the beginning of the project, the majority of the information used for this Thesis was obtained from non-primary sources, other than social media posts or pre-existing interviews.

One of the methods unique to this study was approaching everything with a prior understanding of the complexities that exist in the relationship between the Government and the Mescalero Apache People. In the *Michigan Law Review*, Jessica Shoemaker wrote; “Everything we know about property and sovereignty applies differently in the unique legal spaces of American Indian reservations. Characteristically, real property jurisdiction is



territorial—meaning the law of the place where the property is located governs. If an Iowan purchases real property in Colorado, there is no question that Colorado governs that real property ownership⁶.” She goes on to say that for many Americans, this creates simplicity in zoning (though I must note that all zoning resolutions are unique, and while there is one framework to work under legally, it is by no means totally restrictive). However, later she draws the distinction for Native Peoples; “Instead, in Indian countries, different sovereigns define and regulate different properties within reservation territories. Property jurisdiction varies parcel by parcel depending on factors invisible to an outside observer, including the owner’s identity and the land’s legal tenure status.” To better understand some of the nuances of these regulations, I inspected the most recent edition of the Mescalero Apache Code, which includes a chapter specifically on Land Use agreements. Another source that was helpful in getting a better understanding of the nature of Land Use on the reservation was M. L. Henderson’s *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy*. This dissertation piece provided invaluable historical analysis of the Mescalero Apache reservation’s transitional approaches to Land Use and Land management from social, economic, political, and health standpoints respectively. This multidimensional approach not only reflects more contemporary planning approaches, but also helps to get a better understanding of the conditions on the reservation and how they’ve changed over time. This, in turn, helps paint a clearer picture of the story of Mescalero Apache planning as a whole.

In depth analysis of the oppressive nature of planning for Native Peoples in the United States has been a highly valuable methodology for this project as well. Due to the difficult

⁶ Shoemaker, Jessica A. “COMPLEXITY’S SHADOW: AMERICAN INDIAN PROPERTY, SOVEREIGNTY, AND THE FUTURE.” *MichiganLawReview.org*, University of Michigan Press, 2017, michiganlawreview.org/wp-content/uploads/2017/02/115MichLRevShoemaker_487.pdf.



positions tribes have been put in (including the Mescalero Apache) by their local and state governments, as well as the federal government, the ways tribes have worked around, with, and through these limitations has also created a unique approach to planning. One such example learned through this study has been a self-sufficient approach to economic development, manifested in various industries across the reservation. The means by which these creative methods have been undergone by the Mescalero Apache people are unique to their historical practices and ideologies as well as the situation they are in as a Sovereign native tribe in the United States. Although not a model situation, inspiration can be found from the resilience and perseverance of tribes in keeping their identities and historic practices alive. Lessons learned from this can be useful for any marginalized group trying to gain more freedom and improve their quality of life, once again demonstrating the value of attaining such information and practices for everyone.

With information garnered from these resources, I have performed this in depth analysis highlighting the two objectives mentioned previously. The analysis will be focused on the experiences and knowledge of planning practices in the Mescalero Apache tribal community, as well as the surrounding area of the State of New Mexico. The significance of the project will be providing planners, and other readers with a perspective and approach to the field that is unique and underrepresented both in academia and in practice.



V. Literature Review

The lens through which so much of planning practice is both taught and evaluated is a White one - that is to say based on approaches and a cannon stemming from White societies in Europe and the Americas. This is particularly true when looking at historic planning practices. So many of the historical ‘best practices’ are in reference to cities like New York, London, or San Francisco (Emily Badger’s widely quoted Bloomberg piece “Evolution of Urban Planning” article, and the United Nations recommendations for urban cities come to mind), yet so many other societies all over the world, and even in the West provide invaluable information and practices themselves, both in the ancient world (think of how Djenné in Niger or Uruk in Mesopotamia are often overshadowed by Athens or Rome in historical discussions), and the modern one. Moreover, many “new” or “novel” ideas, theories, or methodologies in White planning practice are only new to that audience, but have actually been in existence for centuries in other cultures. The narrative of the Mescalero Apache tribe’s approach to planning, with its emphasis on inclusivity and ecological sensitivity, is one such example. Yet the inclusion of non-White planning practice in common narratives conveying the history of the field has been limited to say the least. This is due to the oppressive nature of many of these White societies, a lack of rapport between them and less heard from groups, and a resultant absence of accessibility to those groups also stemming from limited trust. We will see such treatment towards the Mescalero in the subsequent history section via newspaper articles which convey a startling level of disconnect between the tribe and White settlers, and later the United States Army.

Naturally, approaching any marginalized community from the ‘outside looking in’ can be dissuading. To do so means building a rapport that is above all respectful, provides something in return, and has airtight message with total transparency. With the relationship between these

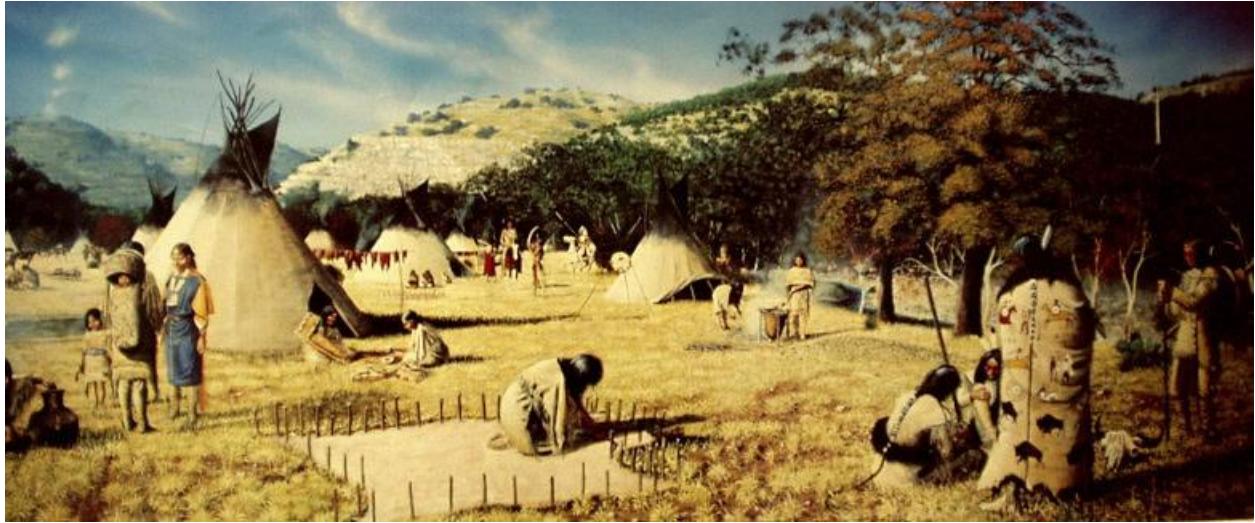


communities and White societies being what it is, mending it and gaining the knowledge and understanding of other culture's planning perspectives is a tough task. But it is also long past due.

As mentioned in the methods section of this writing, a number of different sources were used to produce the findings of this report. Although by no means perfect, it is my hope that these findings will provide readers with a much improved understanding of historical planning practice by the Mescalero Apache both predating and on their reservation in Southern New Mexico. To present these findings in a clear way that is easily understandable and accessible to all readers, the findings have been put forth in the following literature review, organized into three parts; history during the Pre-Colonial, Colonial/Frontier, and Modern Eras; Economic practices over the pre colonial and transitional eras; and finally the legal implications of sovereignty in regards to the relationship between the reservation and the local and national governments.



History



Apache encampment in the Texas Hill Country, George Nelson (image courtesy of the Texas State Historical Association)

“When [the Mescalero Apache] are conquered into terms they are not set loose among their native hills to repeat the experiences of the past, but they are sent to valley of the Pecos [River] where they are weaned from their old haunts, placed under the direct supervision of military authorities and compelled to such modes of life as may be thought proper to assign for them to follow” (Santa Fe Weekly Post, November 21, 1863)

History is the lifeblood the Mescalero Apache. There is an understanding among the tribe that historical practice and heritage transcends into all aspects of life. As such, an understanding of the historical context of the Apache way of life and its associated practices, behaviors, and beliefs is critical to understanding who the Mescalero Apache are today, and thus, their planning story. Indeed, the history of the Mescalero Apache will show up in all aspects of this writing. To

⁷ N.a. “Indian Policy.” *Santa Fe Weekly Post*, 21 Nov. 1863, p. 2.



ensure this context is understood, the following outline of the Pre-European, Colonial/Frontier, and Modern eras of tribal history will pinpoint major events and social changes for the tribe.

The Pre-European Era

To think of the Pre-European Era of Native American planning in a way which translates to current western-society influenced planning practice, means thinking in terms of sovereignty. Sovereignty is defined as, “supreme power,” that is, “free from external control⁸.” For Native peoples this meant a lack of interference or contact with Europeans and other colonizing groups. The importance of this pre-colonial way of life cannot be underestimated, especially when considering the way in which the legal framework of and barriers imposed by the United States would hinder it into the present day.



A map outlining the historical boundaries of the Apache People. The Mescalero Apache homelands are in purple at the southern end of New Mexico and western corner of Texas (image courtesy of Index of Northern Apache Images)

⁸“Sovereignty.” *Merriam-Webster*, Merriam-Webster, 2020, www.merriam-webster.com/dictionary/sovereignty.



The Mescalero Apache People are a subtribe of the greater Apache tribe. The Apache are among the Southern Athabaskan subgroup of Indigenous American tribal peoples, located in the Southwestern United States of Texas, Arizona, and New Mexico and Northwestern Mexican states of Chihuahua, Sonora and Coahuila⁹. Until 1883, the homeland of the Mescalero had no bounds but existed throughout South Central New Mexico. The traditional borders of this region extended from the Rio Grande River to the West, to the Llano Estacado in Texas, to the East, and from the valley that presently holds the city of Santa Fe to the north, down to the Big Bend of the Rio Grande in Chihuahua and Coahuila in Mexico to the south. Two sister bands also part of the greater Mescalero Apache Peoples are the Lipan Apache, located to the South, and the Chiricahua Apache, located to the West.

The Apache people as a whole were primarily a nomadic hunter-gatherer tribe, and the Mescalero were no different. They moved throughout the Southwest, and were known in particular for their horseback riding skills. They primarily hunted Buffalo on the open plains to the east and west of the southern Rocky mountains. On the prairies near the Llano Estacado, they hunted antelope, and in the Mountains themselves they hunted deer. Traditionally, while men would hunt for food in packs, women were usually tasked with finding and retrieving water for the tribe, a vital resource in the arid climate of the Southwest, and gathering various plants along rivers and in arroyos. These plants were used in everything from food preparation, to housing materials, to shampoo. One of these plants, the Mescal, was one of the most important due to its resilience in the southwestern climate causing it to be readily available. Its presence in the tribe's diet and life also resulted in the name Mescalero being given to the tribe by the Spanish.

⁹ Naa'dahéóde: The Mescalero Apache People - The People of the Mescal - New Mexico



“The Mescalero Apache” by Lisa McIntire (image courtesy of thinklink.com)

As a nomadic tribe, there were seldom villages which lasted in a singular location for a very long time. The tribe moved from place to place, based on the availability of resources and the seasons. Structures called “Wicki ‘Ups”¹⁰ were constructed to provide housing and shelter. More temporary “Wicki ‘Ups” were constructed from brush and twigs, while longer lasting or mobile “Wicki ‘Ups” were constructed in a similar fashion to tee-pees: out of animal skin stretched out over posts, which was often readily available thanks to their hunting practices. In either case, the posts which served as the frames for “Wicki ‘Ups” were usually somewhat light and easy to transport, so as to make moving a village at the drop of a hat relatively easy. The White Mountain band of the Mescalero, built their “Wicki ‘Ups” in a tent-like manner.

¹⁰ Schaefer, Emalie, “American Indian Film Gallery: Cultures of Apache tribes and Hopi tribes” Cultures of Apache Tribes and Hopi Tribes, March, 2021 <https://scalar.usc.edu/works/american-indian-film-archive/apache->



The Colonial and Frontier Eras

The Colonial and Frontier Eras represent roughly the time that the first White settlers from Europe arrived in the Americas through to the end of ‘Indian removal’ by the Buffalo Soldiers in the latter half of the 19th Century. During this time the framework for the oppressive system by which the United States would oppress Native Peoples on a federal and localized scale became set in stone. From the very beginning of White settlement in the Americas, Native Peoples were kicked off their land against their will, killed in violent confrontations, and nearly universally dehumanized. This led to a lack of empathy and overall disconnect with Native People’s quality of life and needs throughout the Americas.

The Mescalero Apache tribe was known throughout the colonial era as one of the toughest tribes in the Americas, and one that did not take kindly to settlers. Due to their use of horses in guerilla warfare, from the time of the Spaniards on, the Mescalero had a reputation for putting up a strong fight against unwelcome newcomers in their lands. One particularly notable skirmish occurred near Ruidoso at a US Cavalry Post led by Captain Henry W. Stanton of the 1st Dragoon, and 3rd and 8th Infantrys. The Apache ended up winning the fight, and taking Captain Stanton’s life, leading to the fort to be renamed Fort Stanton¹¹. Eventually, however, by executive order of President Ulysses S. Grant, 400 Mescalero Apache tribesmen and women were forced onto a reservation encompassing the core of their homeland on May 27, 1873. The bounds were based on treaties stretching back to Spanish and Mexican rule, likely due in part to a historical understanding of the importance of the land in question to the Mescalero Apache tribe, as well as an inability to colonize the land due to centuries of protective efforts by the tribe.

¹¹ N. A. “History - Fort Stanton, NM: Where History Comes to Life.” *Fort Stanton, NM | Where History Comes to Life.*, 2021, www.fortstanton.org/history.



Another significant result of the disconnect between Native Peoples and White settlers in the Americas during the Colonial and Frontier Eras was the consolidation of Native Peoples into one



Image of Fort Stanton in the 19th Century (image courtesy of Fort Stanton National Historic Site)

group in the eyes of the Colonizers and Frontiersmen. Much like the Nazis in the Holocaust in their treatment of many different groups of peoples as “lesser,” Colonizers and Frontiersmen in the United States treated all Native groups as “Indians,” and more often than not failed to recognize, differentiate, or even acknowledge the differences between them. Even if tribes had previously been warring or had no connection whatsoever, different Native peoples were forced onto Indian Territories where they were forced against their will to live side by side. This dehumanizing practice led to an inconceivable cultural loss for many groups. The Mescalero Apache were not immune, as evidenced by this quote from a November 12, 1863 article in the Santa Fe Weekly Post in which a U. S. General validated his suggestion for forced removal of both the Navajo and Mescalero Apache by citing the previous subduing of the Pueblo people;



“The only peace that can ever be made with them must rest on the basis that they move on to these lands, and, like the Pueblos, become an agricultural people and cease to be nomads¹²”

A lack of recognition for the diversity among the Mescalero Apaches seems to have existed from the get go, as subtribes were slowly but surely forced to live on the reservation despite cultural differences. In 1883 the Jicarilla branch of the Apache tribe were forced off their land and onto the Mescalero reservation for the benefit of the ‘local economy.’

“Now that Major Llywelyn is trying to make arrangements to have the Jicarilla Apaches brought brought down to the Mescalero Reservation , we hope the White Oaks papers will stop the senseless howl they have raised against the movement, and listen to the voice of reason and common sense, if not of self-interest. Lincoln County, though flourishing and prosperous, cannot yet by any stretch be called self-sustaining, and the importation of six hundred additional human beings to be fed and clothed at the Government’s expense should be hailed as a stepping stone to commercial greatness and wealth, instead of frowned upon as a source of apprehension¹³”

“Commercial greatness and wealth” were clearly the issues the settlers of White Oaks, Ruidoso and other southern New Mexican settler communities were concerned about, rather than humanity. The level of hypocrisy and entitlement is horrendous, but also genius in that it frames the Jicarilla and Mescalero as non-human compared to the settlers. In fact, it insinuates that

¹²N.a. “Indian Policy.” *Santa Fe Weekly Post*, 21 Nov. 1863, p. 2.

¹³N.a. “The Jicarilla Apaches.” *Las Cruces Sun*, 21 July 1883, p. 2.



thinking of the Jicarilla and Mescalero as people is illogical, and so too is empathizing with them. With this framework in place, further on in the article, the author writes;



Jicarilla Apache couple, by Timothy O'Sullivan, 1874. (image courtesy of Library of Congress)



“The Jicarilla if brought here will be disarmed and tagged, and subject to the same strict discipline combined with fair treatment that has proved so eminently successful in the hands of Major Llewlyn with the Mescalero Apaches who are rapidly losing their blood-thirsty instincts, and imbibing the arts of agriculture and stock-raising”

The forced removal of the Jicarilla onto Mescalero Apache lands was not the end of this bundling approach. In 1903, the Lipan Apaches were forced north from the Big Bend and Trans-Pecos regions of Texas and Chihuahua onto the Mescalero Apache reservation as well¹⁴. These Lipan Apaches were survivors of decades of brutal warfare and genocide from settlers and local governments in Texas and Mexico alike. Their forced movement onto the Mescalero Apache reservation was nearly the final straw of the cultural genocide which happened to the Lipan. Ten years later in 1913, 200 Chiricahua Apache were also forced onto the reservation. They had already dealt with nearly 30 years of forced movement, having been brought to Fort Sill in Oklahoma after a bloody war resulted in the capture of their Chief Geronimo (Goyathlay)¹⁵. While 200 were eventually sent to the Mescalero Reservation (which technically was not their homeland), the majority were kept prisoner on the fort in Oklahoma until a measly 100 acre reservation was constructed for them. Finally, in 2011, a 30 acre reservation was established in Southern New Mexico for the Fort Sill group of the Chiricahua band¹⁶.

¹⁴ Naa'dahéödé: The Mescalero Apache People - The People of the Mescal - New Mexico

¹⁵ Roos, Dave. “How Geronimo Eluded Death and Capture for 25 Years.” *History.com*, A&E Television Networks, 18 Nov. 2019, www.history.com/news/geronimo-supernatural-elude-capture.

¹⁶ N.A. “Fort Sill Apache Win Land in New Mexico.” *The Washington Times*, The Washington Times, 23 Nov. 2011, www.washingtontimes.com/news/2011/nov/23/fort-sill-apache-win-land-in-new-mexico/.



Native People's role in the conversation was virtually non-existent. In fact, if Native Peoples were ever included in the conversation, it usually would only be because White settlers would feel threatened by their presence if they were expanding into new (often previously Native-claimed) territories. This sense of entitlement and disconnect led to the present day conditions under which much of Native American planning is approached.

The end of the Colonial and Frontier Eras for Native Peoples was characterized by the creation and signing of Treaties. Unfortunately, though thousands of treaties ranging from a local to federal scale, have been signed between Native Peoples and the Government, very few have actually been kept or at the very least remained unaltered. Even in 2019, at that year's Native American Presidential Forum, Vox reporter Rory Taylor summed up the attitude of what persistent issue Native American leaders across tribes wanted addressed:

"While people in a single community will provide a range of perspectives — much less in all 573 federally recognized tribes — more often than not, a version of one answer always comes up about what the US needs to do: honor the treaties."¹⁷



¹⁷ Taylor, Rory. "6 Native Leaders on What It Would Look like If the US Kept Its Promises." *Vox*, 23 Sept. 2019, www.vox.com/first-person/2019/9/23/20872713/native-american-indian-treaties.



Signing of the Indian Reorganization Act of 1934 (image courtesy of Foundations of Law and Society.com)

One piece of legislation put into power during the end of this era which saw some positive implications was the Indian Reorganization Act of 1934 (also known as the Wheeler-Howard Act)¹⁸. As part of Roosevelt's New Deal, it was intended to provide power and services to Native groups across the United States in an organized manner. Rather than using an assimilation-based approach, it worked to better the social, political, and economic prospects of Indigenous Americans as a whole.

One of the major steps taken involved land use, with steps taken to return some lands which were wrongfully taken, as well as set up means for new lands to be purchased by tribes. Also important was the creation of a structure for federally recognized tribal governments to be created, which essentially took the existing tribal frameworks and structured them into a way which was translatable to the democratic process.

Economically, opportunities for businesses and credit, and Job opportunities through the Bureau of Indian Affairs were greatly increased¹⁹. Socially, improved educational opportunities in the form of new schools and funding were offered²⁰. Results of the Indian Reorganization Act were seen quite quickly, with over 130 tribal constitutions written and ratified, millions of tribal acres added or restored, and \$4.4 million dollars invested into tribally owned livestock and agricultural equipment by 1940.

However, in classic colonialist fashion, there were equally dehumanizing pieces of this legislation which resulted in over-simplification. Under the Indian Reorganization Act, the

¹⁸ N.A. "Indian Reorganization Act (1934)." *Living New Deal*, 19 Oct. 2020, livingnewdeal.org/glossary/indian-reorganization-act-1934/.

¹⁹ (3) Jay B. Nash (Ed.), *The New Day for the Indians: A Survey of the Working of the Indian Reorganization Act of 1934*, New York: Academy Press, 1938, p. 13. (4) Annual Report of the Department of the Interior, 1940, pp. 364-390.

²⁰ (3) Jay B. Nash (Ed.), *The New Day for the Indians: A Survey of the Working of the Indian Reorganization Act of 1934*, New York: Academy Press, 1938, p. 13.



Jicarilla, Lipan, and Chiricahua Apache bands were all federally consolidated into the Mescalero tribe, despite geographical, cultural, ethnic, and language differences. Though the Indian Reorganization Act did much to improve the lives of native peoples, it was not nearly enough to undue centuries of damage, and even caused more in the long term.

The Modern Era

The Modern Era chapter of Native People's planning in the Americas is bound by the way in which the Federal Government has outlined rules of governance and tribal recognition. These culminate into three realms of rule; Rights outlined in treaties, Rights conveyed by the Federal Government, and Sovereignty that have not been changed and still exist at the tribal level. The presence of these rules are often indicators of a tribe's recognized legitimacy in the eyes of the government. At present the qualifications for recognition as a tribe by the Federal Government have been outlined, and are as follows:

1. *The group can be identified by historical evidence, either written or oral;*
2. *Its members are descendents of an Indian tribe that inhabited a specific area in a community viewed as American Indian and distinct from other populations in that area;*
3. *The Indian group has maintained governmental authority over its membership has been an autonomous entity throughout history, including the present;*
4. *The group membership is composed principally of persons who are not members of any other tribe and;*
5. *The tribe has not been the subject of congressional legislation expressly terminating its relationship with the federal government.²¹*

²¹ Zeferatos, 14



What characterises the Modern Era of Native Peoples' planning the most is tension between all levels of the government and tribal leadership. In 1970, a federal self-determination policy was enacted which claimed to, "reaffirmed tribal rights and authority²²." It aimed to give tribes more defined sovereignty, and was an improvement for many. However, it still did not alleviate the tension, and in many ways brought it more to light.

Even for the Mescalero Apache Tribe there is ambiguity and difficulty in things like the land use code, and even the COVID response. These issues, particularly in regards to their legality and their perpetuating branches of systematic oppression, are the ones which define planning for the Mescalero Apache Tribe, and all of Native Peoples in the United States today. One such example was the 1983 United States Supreme Court case of the State of New Mexico vs. the Mescalero Apache tribe. In trying to monetize, the tribe allowed non-native peoples to hunt on their land with no permit for a fee. Though the tribal leaders agreed to this, the State of New Mexico said this was illegal based on New Mexico state laws. The supreme court upheld New Mexico's side, essentially thwarting the very notion of sovereignty²³.

What is also characteristic of the Mescalero Apache Reservation in the modern era is the (somewhat mild) urbanization of its population to the City of Mescalero in the Tularosa Creek valley. Due to a mix of limited access to outlier communities, and unimproved rural roads in general, many Mescalero quickly became the primary service area for the reservation, providing a majority of jobs, health options, and basic needs. In the years following the second world war, most of the population of the reservation decided they wanted to be closer to each other (in some ways reflecting the pre-reservation familial system described in the next section). This, mixed

²² Zefaretos, 15

²³ N.A.. "New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983)." *Justia Law*, 2010, supreme.justia.com/cases/federal/us/462/324/.



with tales from veterans returning from the war of the outside world led to a mass movement of most of the tribe to Mescalero, with a few living in the older communities, which to this day are shrinking. With the movement to Mescalero came a more consolidated tribe with an ability to make changes at a larger scale. However, it also meant the end of the traditional nomadic lifestyle of the tribe, at least in the present era.



Otero County, New Mexico, historic homeland of the Mescalero Apache People (Image courtesy of Encyclopedia Britannica online)



Economic Practices

One of the most important ways in which the Mescalero Apache people have navigated the challenges of external interference is through a strong focus on economic development. Historically, the tribe has been well connected to other indigenous groups throughout the Southwest and Great Plains through trade. In the colonial era, the tribe also used this skill to form relationships and territorial boundaries with settlers. When trade became less essential, use of natural resources and tourism became major economic drivers for the Mescalero to supplement that historic income.

Traditional Trade Based Economy

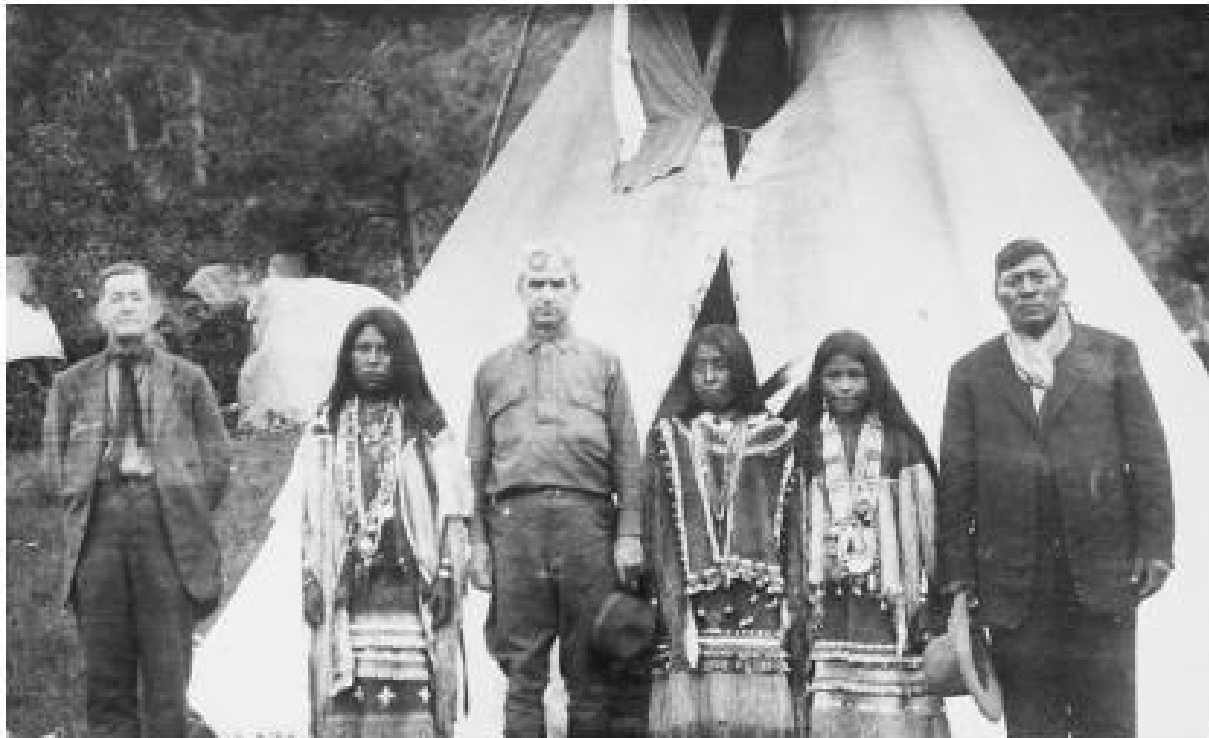
The Mescalero Apache tribe are a historically nomadic people, and as such their economic practices for the majority of their history have been trade based with other tribes and colonizers. In the early days their main trading partner was the Pueblo people of northern New Mexico and southern Colorado. They also traded with some Spaniards in mission villages, and the Plains Indians. They were primarily fur traders during this period²⁴, trading Buffalo hides and any surplus dried meats.

As their trading networks expanded, some bands of the Apache moved as far west as the Dismal River in the Kansas Territory. However, when European settlers introduced guns in the 18th century, the Comanche and other groups began to push the Apache back westward to their homelands in New Mexico. They then changed their economic practices to be a more “flexible subsistence economy” based around local resources such as food from hunting and gathering in the wild or cultivated by farming in river valleys. They also continued their trade with the Pueblo

²⁴N.A. “Apache People.” Encyclopædia Britannica, Encyclopædia Britannica, Inc., 2021, www.britannica.com/topic/Apache-people.



people, and even worked with them on hunts and raids. The Mescalero in particular took to the corn and bison Agriculture and Ranching-based economy learned from their time on the plains. As more colonizers moved in, the Mescalero Apache also traded with settlers and townsfolk in surrounding White communities, often in exchange for guns or other tools not available to the tribe.



Mescalero Apaches trading with local White settlers, Mescalero, New Mexico, ca. 1914 (image courtesy of Countries and their Cultures.com)

Transitional Economy

As mentioned previously, changes in the 20th Century shifted Mescalero Apache tribe's Governance roles to incorporating an economic focus translatable to the greater American and world Economies. During the 1910s and 20s, the tribe began to sell portions of the reservation to companies to use in exchange for pay. Three timber contracts, the most successful of which was



Logging operation in the Sacramento Mountains of Southern New Mexico, ca. 1930s (image courtesy of The Mountain Monthly)

the Elk and Silver Creek followed suit beginning in 1919²⁵. Shortly after, logging became a major industry in the area, and gave the tribe much incentive to privatise. The 1922 registration by the Mescalero Apache tribe as a federal corporation caused a re-recognition to occur for the tribe into a tribal entity, meaning ownership of the reservation themselves was gained. This move had major implications on both a decision making/sovereignty front, and on the economic development front, and predated other shifts in later years which would set the Mescalero Apache ahead fiscally.

The shift to a partially economic based mindset of leadership led to the formation of a business committee. Though not exactly the same sort of traditional governing body as the tribe had claimed for centuries, this new type of governance created by prominent tribal members was

²⁵ M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 89



an important step in protecting the tribe from external pressures, preserving their other ways of life, and above all, helping the tribe achieve some level of economic growth in ways other than trade. The implications of such changes cannot be understated, particularly in regards to health as previously mentioned. A significant part of health revolves around socioeconomic status and stability. A lack of continuous or semi-continuous economic stability can lead to worsened health. In Glymour, Avendano, and Kawachi's "Chapter 2: Socioeconomic Status and Health," they mention the 'continuous indicator' of racial implications on social inequality and the resultant corresponding health disparities which fall upon marginalized groups in overlooked communities. Clearly, external forces such as the US Government had previously not provided economic incentives or aid in any sort of large way to the tribe, so their decision to do it for themselves was a way to combat this health disparity in addition to economic strife²⁶.

When the Indian Reorganization Act of 1934 was passed, the tribal business committee made the easy transition to tribal council, fitting within the framework of the Act's governmental frameworks for tribes with ease. The Indian Reorganization Act was a branch of Franklin Delano Roosevelt's New Deal, and was intended to provide power and services to American Native peoples. It focused on improved social, political, and economic prospects of Indigenous Americans as a whole, and had a special focus on land use. Lands were returned to tribes which had been stolen against treaty regulations since reservation borders were drawn. Additionally, new means for lands to be purchased by tribes were created. This translated well for the Mescalero who had already become a contemporary land-used focused tribe a decade previously. Another important step was the creation of economic opportunities for businesses and credit by the Indian Reorganization Act. From this, job opportunities through the Bureau of Indian Affairs were created too, and the Reservation saw a boom for the first time since Federal intervention.

²⁶ Glymour, Avendano, and Kawachi's "Chapter 2: Socioeconomic Status and Health,"



Law

Understanding Native American planning in the United States means understanding the complexities of the legal framework around which property rights, ownership and control operates for Native peoples, and how different those complexities are when compared to the rules of land ownership for most Americans²⁷. In most cities and states, there are local laws which outline the rules of property ownership, creating consistency among most similarly zoned parcels of land. The aim of this consistency is to expedite the processes of land transactions and overall usage. However, simplicity in approach seems to be the farthest thing from how planning exists for Native peoples. Federal Indian Law's basic framework is that it, "*is the right of Indian self-government based on the principle that a tribe's political authority is inherent and has never been extinguished.*"²⁸ To understand this, the first place to look is the definition of the word "tribe" that is accepted by the U. S. Government.

*"Ethnologists define a tribe as a group of Indians[sic] sharing a common heritage and a distinct language. At the most basic level, a tribe is considered, "a group of Indians that is recognized as constituting a distinct and historically continuous political entity for some governmental purpose" (Canby 2009)*²⁹

²⁷ Shoemaker, Jessica A. "COMPLEXITY'S SHADOW: AMERICAN INDIAN PROPERTY, SOVEREIGNTY, AND THE FUTURE." *MichiganLawReview.org*, University of Michigan Press, 2017, michiganlawreview.org/wp-content/uploads/2017/02/115MichLRevShoemaker_488.pdf.

²⁸ Zafaretos, 13

²⁹ Zeferatos, 13



The Battle for Sovereignty

In all reservations across the United States (and similarly in other countries in the Americas), each different tribe is treated as a nation, and each reservation a sovereignty. Therefore, each land parcel within the sovereign nation is governed by the rules of the sovereign nation. The tribal government can decide who owns the land, as well as who has authority over the land. The authority is manifested in two regulatory forms - “fee” lands and “trust” lands - and the rules of ownership differentiate between two groups - “Indians” and “non-Indians.”

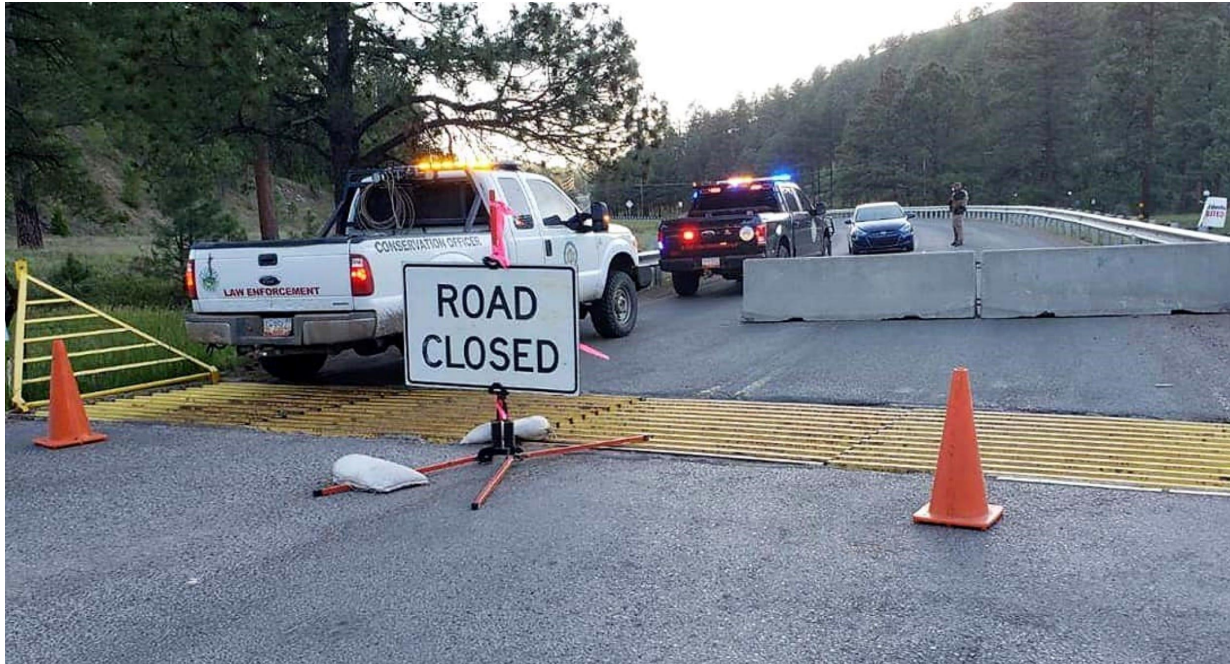
On “Fee” lands, “Indians” can occupy parcels of land which are under the jurisdiction of tribal law, as well as state and national land use regulations. “Non-Indians” are controlled more by the state and national rule, but still have to follow basic land use guidelines set forth by the tribal council. On “Trust” lands, for “Indians” and “Non-Indians” both, the rule is almost exclusively in the hands of local state and national governments, who put those living in the parcel in question into a “trust³⁰” agreement, outlining their role as residents on the land in question. Interestingly, this kind of top-down approach defines much of “Indian Law.” In the most recent issue of the *Apache Scout* from January of 2020 for instance, the first article was on a federal court ruling from the U.S. Department of the Interior’s Bureau of Indian Affairs on policing of individuals committing misdemeanors on tribal lands;

“Citations may be issued to non-natives located on or passing through tribal lands where the crime directly affects tribal members or tribal interests. Citations may also be issued

³⁰ Websters defines a “Trust” agreement as either, “a property interest held by one person for the benefit of another,” or, “a combination of firms or corporations formed by a legal agreement especially : one that reduces or threatens to reduce competition” (Source: “Trust.” *Merriam-Webster*, Merriam-Webster, www.merriam-webster.com/dictionary/trust.)



to tribal members for offenses committed on tribal lands where they have not been charged in tribal court for the same offense³¹”



Road closure at the entrance to the reservation due to COVID-19, 2020 (image courtesy of Ruidoso News)

More recently, it has even manifested in the Tribe’s decision to remain under lock-down compared to the rest of surrounding Lincoln and Otero Counties. Falling within private jurisdiction as a sovereign nation, the reservation had the authority to tell its citizens not to reopen. Television KRQE in Albuquerque, the state’s largest city, reported;

“While most areas in New Mexico are slowly opening back up. The Mescalero Apache Tribe has declared a state of emergency and is ordering a shut down for two weeks to try and stop the spread of the coronavirus. “In order to protect our people we have to do this,” said Mescalero

³¹ “Implementation of Misdemeanor Docket for Indian Country.” *Apache Scout*, Mescalero Apache Tribe, Jan. 2020, mescaleroapachetribe.com/wp-content/uploads/1st-Draft-2020-January-Scout.pdf.



Apache Tribal President Gabe Aguilar. The city of Mescalero and the Mescalero Apache Tribe decided to take action and ordered a 24/7 lockdown for the next two weeks.³²

Clearly this measure shows the ways self-leadership can be a figurative and literal safety net for the community. Yet while on the surface this may appear to be a fair approach because it ‘looks’ like it equates Native peoples to the rest of the country, the reality is that all of this rule is governed by the state down. In Nicholas Christos Zaferatos’s *Planning the American Indian Reservation: From Theory to Empowerment*, the complexity of this relationship is summarized as “*political interventions that confront tribal authority,*” which are seen, “*in terms of a dialectical relationship between tribal interests and the competing interests of federal, state, and local governments, as well as of private interests*” (5). So even if there are specific laws of ownership set forth by the tribal council in any reservation, state law can override this, leading to a level of serious confusion as to who is in charge of what, though at the end of the day it usually is the state. It’s why even when President Aguilar and the Mescalero Apache Tribal decided to keep the Reservation under-lock down and made a public statement, they had to blockade the entrances to prevent outsiders who do not have the same rules out. It’s even written into the tribe’s land use code;

“17-1-1. RESERVATION OWNERSHIP. The equitable title to all land within the exterior boundaries of the Mescalero Apache Reservation, not held in fee simple, is owned by the Mescalero Apache Tribe, for and on behalf of the present and future generations of enrolled

³² King, Corey. “Mescalero Orders Two-Week Lockdown to Prevent Potential Coronavirus Outbreak.” KRQE News 13 Albuquerque - Santa Fe, KRQE News 13 Albuquerque - Santa Fe, 26 May 2020, www.krqe.com/health/coronavirus-new-mexico/mescalero-orders-two-week-lockdown-to-prevent-potential-coronavirus-outbreak/.



tribal members. The legal title to Reservation lands is held by the United States in trust for the Tribe and its members (326)³³”

Combatting the Oppressive Nature of Indian Law

It is almost as if reservations are treated like individual states within a nation - a concept that seems reasonable until one realizes that the states in question are actually individual nations themselves, many of which are far older than the United States. This is where the carryover of past oppressive planning practice is most clear. Where there is simplicity and sometimes even uniformity for most cities, states and towns, there is complexity on reservations, and on top of that, it's imposed complexity. Though it is often framed as being that way in order to compensate for the differences between tribes, the complexity actually exists because of a lack of attention to the issue as a whole. In fact, one could argue that the issue is even taken a step further by the fact that the conversation on land ownership and land use rights *with* Native peoples as a whole hasn't really happened. Rather it has been force fed to them, so of course the mish mash of different approaches is as confusing as it is. This is shown, again, in the Mescalero Apache Land Use Code, in near conflicting statements within the General Land provisions. In provision “B” it states that, “[*Land*] Assignments shall be made only by the Tribe,” yet in assignment “D” it states that the, “*Use of all Assignments shall be subject to the provisions of this chapter and all pertinent federal laws and regulations (326)³⁴”*

³³ “Mescalero Apache Tribal Code.” *MescaleroApacheTribe.com*, Mescalero Apache Tribal Council, 2020, mescaleroapachetribe.com/wp-content/uploads/Tribal-Code-FINAL-092716-for-tabbing-372018.pdf.

³⁴ “Mescalero Apache Tribal Code.” *MescaleroApacheTribe.com*, Mescalero Apache Tribal Council, 2020, mescaleroapachetribe.com/wp-content/uploads/Tribal-Code-FINAL-092716-for-tabbing-372018.pdf.



New Mexico State Supreme Court House, Santa Fe, New Mexico (image courtesy of Colorado Politics.com)

This kind of dissonance between the tribal council's rule and the state and even national governments came to a difficult conclusion in the 1983 United States Supreme Court case of the State of New Mexico vs. the Mescalero Apache tribe. As mentioned in the history section, this case was when the tribe tried to monetize the allowance of non-native peoples to hunt on their land with no permit. As mentioned in the economic development section, this was not a new action from the tribe; their independent and self-sufficient outlook on economics makes this clear. However, although tribal leaders came to an agreement that this would be lawful and even beneficial to the tribe, complaints to the State of New Mexico from local law enforcement caused this case to be taken up with the state Supreme Court, given its relevance to state fishing and game law. The New Mexico Supreme Court ruled this was illegal based on these New Mexico state laws, but the Tribe went against this citing sovereignty and self rule/governance. The case then went to the supreme court, who voted to uphold the New Mexico Supreme Court's initial



ruling.³⁵ Though this was a win for conservationists, it was a blow to the Mescalero Apache tribe, and once again went against their tribal sovereignty agreements outlined by the Federal government in the 1934 Indian Reorganization Act.

Nicholas Christos Zaferatos's *Planning the American Indian Reservation: From Theory to Empowerment* provides one of the best frameworks for planners with a European-society centric background to approach, study, and understand both historical and contemporary Native People's planning at a basic level - including its oppressive nature. The book covers a wide range of topics, from the local to national scale, and holds all sides of all scales accountable throughout the narrative. It also clearly conveys the context of issues around the logistics of Native People's planning, like in the line, "*Over time, however, other governments (including federal, state, and local governments) have encroached on tribal self-governing powers*" (2). Additionally, it also examines current practices and how they relate to the past across many different tribes and reservations, again summed up clearly in the line, "*Contemporary development of Native American communities continues to be adversely affected by a long standing history of past federal Indian policy, jurisdictional conflicts in state-tribal relations, and the incorporation process of the US political economy.*" One particularly eye-opening issue Zafaretos addressed was how Tribal legitimacy even is only made so by Federal approval; "*A tribe is normally recognized to exist by the federal government if Congress or the President "has historically created a reservation for the tribe and the U. S. has had some continuing political relationship with the tribe (Newton, 2012). The Department of the Interior requires federal recognition as a prerequisite for a tribe's entitlement to federal Indian services*" (13)

³⁵N.A. "New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983)." Justia Law, 2010, supreme.justia.com/cases/federal/us/462/324/.



VI. Findings

With an improved understanding and background of the historical, economic, and legal contexts with which the Mescalero Apache people have lived, the modern context within which the Mescalero Apache people practice planning can be framed in a more comprehensive manner. With this information the subsequent section will outline current tribal planning practices, as well as provide information on cultural, economic, and health related norms and traditions which inform these practices. While some background on specifics will still be necessary, in general the following information provided will focus on the contemporary conditions and norms on the reservation to understand what planning looks like there now.



Mescalero Apache Culture

The cultural practices of the Mescalero Apache Tribe are unique. As such, they have formed a pivotal role in keeping the Mescalero Apache Tribe's traditions and identity alive. In the face of centuries of adversity, the tribe's religious and linguistic practices have remained a crucial constant. This has influenced every aspect of Mescalero Apache culture including planning practices. In fact, from the very beginning, it was cultural norms and understandings which led to the selection of places for villages, villager/tribal roles, and connectivity with other tribes. In this section, I will outline these aspects of Mescalero Apache culture, and their implications of the tribe's approach to planning.



Piece of Traditional Mescalero Apache Artwork (image courtesy of New Mexico Nomad.com)



Traditional Tribal Roles and Social Hierarchy



Profile of Apache Women, ca. Late 19th century (image courtesy of Desert USA.com)

Tribal roles and gender inclusivity have been a critical part of Mescalero tradition. As mentioned previously, men and women were traditionally placed in their respective societal roles of hunter and gatherer, with Women serving as the traditional “anchors” of the standard Mescalero Apache family. Often when husbands were found, they would go off to live with the wife’s family in their village, forming a matrilineal relationship. Due to the nature of male hunters constantly working away from their villages when finding food, trading, or defending territory, this led to village conditions that were primarily women, children, and elder-centric. This contrasts greatly to much of White American society’s urban or semi-urban fabric, and is almost



a reversal of the “domestications” theory’s idea of the standard American city’s design being for men to work in the urban areas while women raised children in the suburbs, as asserted by some planning theorists such as Ananya Roy in her *City Requiem*³⁶. In such a society, women and their families had most of the power, and matrilineal ‘clans’ within bands of Mescalero Apaches were especially robust. Additionally in marriage, there were several highbrow pre-ceremony rituals intended to display the deep allegiance to his future wife’s family a husband owed. There was also a heavy emphasis on children carrying on social and religious traditions, and being taught the tribal standards of manners, kindness, obedience, and above all fortitude, which has been a pinnacle of Mescalero tribal identity since the beginning. To encourage this, games of “dexterity” were created to motivate strength from an early age. There are also major milestone events in Mescalero youth life which have occurred for centuries, including the Mescalero Puberty Rite Ceremony, which signifies the transition in women from childhood to womanhood.

The elderly also have held a high place in Mescalero societal traditions for centuries. ‘Elder’ status is something coveted and earned in the Mescalero tribe. This is based on the ways in which Elders preserve traditions, morals, practices, and the Mescalero way of life. Elders also had an especially important position in the tribe as the traditional practitioners of “Long-life rites” in traditional Mescalero Apache Religion. The elders passed down these rites which connected mythological ideologies to nature and spiritualism. These rites included the puberty ceremony for men and women (of which more will be mentioned later), and many centered around children, including their first steps and first haircut³⁷.

³⁶ Roy, Ananya. *City Requiem, Calcutta: Gender and the Politics of Poverty*. University of Minnesota Press, 2003.

³⁷N. A . “Native Americans: Apache People.” *Ducksters*, 2021, www.ducksters.com/history/native_american_apache.php.



Elders are treated with the utmost respect, and in a way similar to royalty in other cultures, have to be spoken to by younger and middle aged Mescalero Apaches in a specific manner involving limited eye contact, no pointing whatsoever, and with little to no affection shown as a sign of respect (hugs are allowed on a case by case basis, but should generally be avoided). Even married men were not permitted to speak directly with their mother-in-laws, no matter how old they were. These social expectations have manifested into the present social infrastructure under which the tribe operates.

Traditional Tribal Governance



Mescalero Apache Chiefs San Juan and Natzili, Frank A. Randall, 1883 (image courtesy of Michael Farmer)

Predating the Indian Reorganization Act, the Mescalero Apache tribe had a much less formalized form of government. In fact, socially it seems that most decisions were relatively consensus based. Bands themselves were already so close due to familial relationships, common



territory, dialects of the language, and culture, that authority as existed was usually found in a group rather than an individual, and decisions were usually taken democratically. Though there were local chiefs, they were usually picked based on fighting abilities, personal strength likeability, and religious/ceremonial knowledge. Chief's main roles were to keep the peace amongst the tribe/bands themselves, hearing all sides, and helping decisions to be made without any issues.

In the 20th Century, many changes occurred which shifted Mescalero Apache Governance roles. In 1922 the Mescalero Apache tribe registered as a federal corporation, which caused the tribe to be recognized as a tribal entity rather than just a band. This helped them gain ownership of the reservation themselves that year, a huge move for both decision making and economic development. Due to this economic shift in mindset, the tribal leadership across the reservation formed a business committee to oversee external affairs. After the Indian Reorganization Act of 1934, the tribal business committee made the easy transition to tribal council, fitting within the framework of the Act's governmental frameworks for tribes with ease.

The current version of the Mescalero Apache Tribal Council governance system uses the traditional roles of Mescalero Apache tribesman mixed with the structured governance put forth in the Indian Reorganization Act. It is thus outlined in the Tribal Code as:

“The legislative powers of the Mescalero Apache Tribe are vested in the Mescalero Apache Tribal Council. The powers of the government of the Mescalero Apache Tribe are divided into three distinct departments, the Legislative, the Executive and the Judicial. No person or group of persons charged with the exercise of powers properly belonging to one of these departments,



shall exercise any powers properly belonging to either of the others, except as the Constitution may otherwise expressly direct or permit (429)”



2018 Elected Tribal Council of the Mescalero Apache Tribe (image courtesy of Mescalero Apache Tribe website)

The Tribal Council is governed by a body of elected officials. The Tribal President and Vice President are both elected to two year terms by the tribe using a secret ballot. The current President is Gabe Aguilar, current Vice President is Eddie Martinez, current Secretary is Larry Brusuelas Jr., the current Treasurer is Alfred LaPaz, and the other council members are Merliee Garcia, Fernando Rocha, Bernalyn Via, Frederick Chino Sr., and Dawn Hosetosavit. The responsibilities of each position are outlined in the Tribal Constitution, which was last updated on January 12, 1965. In order to be elected, tribe members must file a “Statement of Intent” which is required to be approved by the council in order to be considered for election.



Traditional Tribal Religion



Gorgonia, the Mescalero Apache Medicine Man, by Frank Randall ca. 1880s (image courtesy Denver City Library Collections)

The significance of Native American relationships to land is critical to understanding the cultures of native groups. As one geographer has written, "land has emotional meaning, and psychological significance for the Indian that is far more intense than our nostalgic longing for the family farm and a rural way of life" (Sutton 1975:2). This significance cannot be ignored when evaluating Native American Adaptation to mainstream American society. An attachment to land is a strong cultural preference that contributes to the diversity of human-land relationships around the world." (M. L. Henderson, 4³⁸)

³⁸ M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 4



Though nomadic in nature, the religious practices of the Mescalero Tribe did influence the movements of their settlements in pre-colonial times, thereby influencing their approaches on how and where to plan their communities. The tribal story of creation states that four mountains spread across their homeland, Sierra Blanca, the Guadalupe Mountains massif, Three Sisters Mountain, and Oscura Mountain Peak, serve as ‘nodes’ which represent the directions of everyday life for the Mescalero Apache people for centuries. Sierra Blanca, or White Mountain, is the most sacred, and is seen as where life itself originates from. Tribal tradition gives it as the site where the Child of Water and the Killer of Enemies, two of the tribe’s were born to the White Painted Woman during a massive thunderstorm. The White Painted Woman protected them from monsters who wanted to cause her sons harm. After this battle she raised them to be brave and skilled, and by the time they grew up, they took on the same monsters ushering in an era of peace and tranquility in their homelands³⁹. This also led to understanding that there are both dark and light sides to life, the dark side being a life with no progress for the Mescalero Apache people, and the light signifying happiness, peace, and harmony created by god (*Ussen* in Mescalero).

To this day, Mescalero religion is focused on spiritualism, the supernatural, and above all the power of nature, which according to the tribe, is the explanation of everything. Therefore, spiritualism must be considered in all decision making processes, which are to be passed down from generation to generation. All progress is seen as legitimate only if it affects the entire tribe, and it is believed by the Mescalero that White Painted Women bequeathed onto the tribe the virtues of a pleasant life and longevity which make progress as a society achievable for the Mescalero. Their religious hierarchy focuses on Ussen (the Giver of Life), and mountain spirits

³⁹N.A. “Our Culture.” *Official Website of the Mescalero Apache Tribe*, 2020, mescaleroapachetribe.com/our-culture/.



known as Ga'ns. These mountain spirits are represented in various religious rites including the puberty ceremony, and in medicine. During these ceremonies, the tradition for men would be to impersonate Ga'ns. Dressed in kilts, wooden-slat headdresses, and black masks, they would cover themselves in body paint, and carry around wooden swords, performing the ritual dances⁴⁰.

The connections to the earth, the four mountains, and the White Painted Woman are why the Mescalero Apache have chosen the high desert and mountainous region as their historic homeland. It is why their communities sit in the shadow of this region filled with geo-religious heritage, and why despite the many changes and difficulties they have faced as a people, they have been able to keep some level of continuity in traditional practices in their homeland. In short, Tradition has helped the Mescalero Apache remain themselves. Strong relationships with the land are a historic attribute of many tribes of American Native Peoples.

Traditional Mescalero-Chiricahua Language

The tribe has spoken the Mescalero-Chiricahua language for hundreds of years. Mescalero-Chiricahua is a sublanguage of the Southern Athabaskan set of indigenous languages spoken by tribes throughout the Southwest and Northern Mexico. These language subgroups are in and of themselves a mix of the Athabaskan and Dene-Yeniseian families of languages, showing the linguistically connected nature of Southwestern semi-nomadic tribes. Holding onto the tribe's heritage through language serves as a primary mission to this day, as reflected in one of tribal mission statements, rendered and translated from the original text thanks to the Tribal Council website;

⁴⁰ Farley, Mary Margaret. *Legends of America*, 2021, www.legendsofamerica.com/na-apache/.



Nahizaa'í shí nahi'át'e'í bíl béyaa'ilt'á. Nahizaa'í shí nahi'át'e'í bíl behndénndlǫ́. Nahizaa'í shí nahi'át'e'í bíl be'indá shí bendéda'ilchjǫ́-gu nǫ́dził-gu ndásá bee huuka nahi'elchíndé báháadaat'ǫ́.

Our mission is to defend and support our Apache language and culture. Apache language and culture are critical to Apache identity. Apache language, culture, and identity are critical to survival, respect, pride, health, and welfare of all members of the Mescalero Apache Tribe, especially children.

That it is a defensive approach is not a surprise. Given the history of colonization, forced assimilation, missionary work, and a lack of compliance from outside governing bodies, it is amazing that the tribe has been able to keep the language alive. The only way this has been possible for the Mescalero Apache has been through rigorous resistance to these externalities, and training youth to learn, understand, and speak the language (hence youth's importance in the statement). Further still the goals from this mission are laid out as follows;

- 1) Increase the number of tribal members who know and use Apache. (Increase the number of fluent Apache speakers.)
- 2) Increase use of Apache among all age groups.
- 3) Increase use of Apache in all situations, including home, school, work, ceremonies, and other social situations.
- 4) Increase the number of tribal members who read and write Apache.
- 5) Increase the number of tribal members who know Apache history and culture.
- 6) Increase the number of tribal members who participate in traditional cultural activities.



As mentioned previously, traditional is an essential element of Apache culture, if not the lifeblood of it. Language is a critical part of this. It also has manifested itself into planning practices on the reservation. Structures, roads, and places throughout are referred to locally by their Mescalero-Chiricahua names. Much of the signage throughout the reservation that is visible to the outside world is not bilingual however, like on some other reservations. Some does exist, but it is limited. As of 2007, there were approximately 1,500 native Mescalero-Chiricahua speakers⁴¹. Currently Nde Bizaa, the tribe's language program, works with linguists at New Mexico State University to teach tribal youth Mescalero-Chiricahua. The project is funded by a \$321,000 grant from the National Endowment for the Humanities under their “Documenting Endangered Languages Program.” The program is an attempt to preserve Native American languages in danger of being lost forever, and with so few total speakers, Mescalero-Chiricahua is a strong contender for the project. Oliver Enjady (whom the author was actually able to speak with privately in another instance), an ex-Tribal Council member, is one of the head overseers of Nde Bizaa⁴². He said in an interview in the *Native Times* newspaper, “This (language) was given to us by the Creator for use by the Apaches. ... It's who you are, and you can't change that. If this is lost, then what is your identity?” which clearly sums up the overall attitude and approach of the tribe towards the preservation of its language and how it relates to overall Mescalero Apache society. “This is not going to be put away like a time capsule.”

⁴¹ N.A. “Mescalero-Chiricahua (Ndee Bizaa).” *Mescalero-Chiricahua Language and Alphabet*, 2020, www.omniglot.com/writing/mescalero-chiricahua.htm.

⁴²Romo, Rene. “RENE ROMO, Albuquerque Journal.” *Native American Times*, 2019, nativetimes.com/life/culture/6359-mescalero-apaches-work-to-save-language.



Reservation Conditions



Maps showing the location of the Mescalero Apache Reservation in New Mexico (L.), and in relation to the surrounding area (R.)
(images courtesy of Northern Arizona University's Southwestern Tribal page and Aimee Joe of the Mescalero Apache Tribe)

Arguably the most tangibly measurable aspects of planning for the Mescalero Apache people are the physical conditions of the Mescalero Apache Reservation and its communities. The 463,000 acres comprise the historic heart of the Mescalero Apache homelands, however the current conditions could not be more different from the historical fabric of the place. Bands were more spread out, if even located on the small chunk of ancestral land, whereas they are now consolidated in established villages and the City of Mescalero on the Reservation's western flank. Though this is a result of external interventions and factors, the response of the Mescalero Apache people and ways in which they have retained unique attributes and tribal attitudes forms a story that is both highly informative and interesting to say the least. In examining both the Reservation and Mescalero proper's physical changes, a more accurate understanding of the Mescalero Apache approach to planning can undoubtedly be gained.



Mescalero Apache Reservation

The 463,000 acre Mescalero Apache Indian Reservation sits in South Central New Mexico in Otero and Lincoln Counties, between the cities of Ruidoso and Alamogordo. The area



Mescalero Apache children in a rural section of the Reservation (image courtesy of the Santa Fe New Mexican)

historically was the Mescalero Apache homeland, and in 1873 when Federal Orders were given to establish the Reservation⁴³. Shortly thereafter, on the Western edge of the reservation there came to be a small town centered around a mountain stream called Blazer's Mill⁴⁴. This was the location of a trading post where the Mescalero Apache often bought food from the outside world⁴⁵.

⁴³ The Mescalero were lucky not to be sent somewhere else like so many other tribes

⁴⁴ Caldwell, C.R. (2008). *Dead right: the Lincoln County war*. self published.

⁴⁵ It was also the location of a battle of the Lincoln County War



In the early days of the reservation, the transition from temporary to settled and permanent village life was a difficult one, but eventually became one of necessity. As such, it stands as an important part of the story of physical/spatial planning and land use for the Mescalero Apache people, particularly due to its adaptable nature. The idea of a ‘permanent residence’ was not a common one on the reservation in 1900 or so, but as the reservation became more self-sufficient economically (which will be touched upon more in the economics section), settlements became more of an essential part of the fabric of the reservation. These settlements were centered around various industries ranging from agriculture, to livestock, to forestry. In more recent years, this has also expanded to tourism, and social services. At first, many of these settlements were “short term,” usually existing in and around growing and grazing seasons respectively. However, as time passed it became clear that more time and attention needed to be devoted to these industries for the economic growth on the reservation to be at a sustainable level. Agents from the Bureau of Indian Affairs recognized this, and encouraged the tribe to construct homes, businesses, and more permanent facilities with adjacent settlements. This is the model that exists to this day, and although it defies the traditional Mescalero Apache approach of mobile villages, it did manage to blend the imposed subliminal regulations of the greater United States economy with the self-sufficient subtleties of the tribal outlook in a successful manner. Additionally, the limited amount of spaces on the reservation that ensured continuous water sources, stable ground, accessibility to and from the outside world, and with temperate enough weather conditions year-round made picking out spots for these settlements relatively easy. Eventually more and more amenities and Indian-run businesses began to open up in the area, and it eventually renamed itself to Mescalero, New Mexico, likely sometime in the early 20th Century.



The Mescalero still worked tirelessly to carve out a life on the reservation, and in doing so worked to weave their way of life into a system clearly not designed for them. One of the only peaceful connections the Mescalero made with the outside world was through Catholicism. In the late 19th century, hundreds of Mescalero Apaches converted to Catholicism, and were often visited by travelling missionaries who brought resources to the tribe. In the early 1920s, St. Joseph's Apache Mission was constructed in the area that is presently the City of Mescalero, and it has served as an unofficial meeting place on the reservation ever since.



St. Joseph's Apache Mission, by Diana Powell, 2015 (image courtesy of Pixels.com)

A full two thirds of the reservation is home to a preserved old growth forest of pine, fir, and aspen trees. This is protected land, and is just as ecologically sensitive as it is sacred to the Mescalero Apache People. When one enters the reservation from any entrance, they are almost immediately taken by how much preserved forest exists. This is the result of a longstanding network of forests preserved both by the reservation and the national and New Mexico state



forestry services. As such much of the woods are uninhabited and underdeveloped, while some is used for the timber industry.

In some of the lower lying valleys and canyons, particularly that of Tularosa Creek on the western side of the reservation, there is agricultural development and livestock grazing. While homes throughout the reservation are home to barns and smaller livestock and garden options, it exists on a larger scale in the Tularosa valley and a few other flat high plains areas in the reservation. Though by no means comparable to the entirety of New Mexico's agricultural or livestock operations, it is still a healthy industry for the region, and helps keep the reservation economically stable. A more in depth look at livestock will occur in the Economic Development segment of this writing.

The City of Mescalero



Mescalero Tribal Council Headquarters, Mescalero, NM (image courtesy of Dianne Stallings, Ruidoso News)

Before the City of Mescalero was established, the gubernatorial and administrative center of the reservation was briefly located at Fort Stanton to the Northeast of Ruidoso. However, by the late 1890s the fort was abandoned by the US Army. Mexican refuge and White settler



squatters filled the fort, and began rustling some of the Mescalero Apache cattle, often causing the tribe to go weeks with minimal food options. In 1920 the communities on the reservation were Three Rivers, Carrizo, Noga, Mescalero, Whitetail, and the Elk-Silver logging camp. Mescalero and Whitetail were the largest.

During the 1930s, in wake of the Indian Reorganization Act, housing subsidies were sent to the reservation for the construction of new living spaces and barns for tribesmen. New housing was constructed in the communities of Three Rivers, Tularosa Canyon (Mescalero), Carrizo, Nogal Canyons, Whitetail, and Elk-Silver camp. Tularosa Canyon, where Mescalero is located, was rapidly becoming the main center of activity on the reservation⁴⁶, as it had access to water and was easy to get to. As such, it received a majority of new housing.

Sadly, much of this new housing was extremely cheaply made. Though they all had cement foundations, they were constructed from cheap ship-lap lumber. Inside, were four equally sized rooms which lacked both insulation and plumbing (though they did have chimneys for warmth in winter months). The structures themselves were also extremely small, at only 24 by 25 feet, with a window on each side, and doors on two sides. The barns constructed for residents were even smaller, at 20 by 20 feet. Two-story structures, they were wooden ‘board and batten’ style buildings. Each floor had a purpose, the first being divided into two equal sections with rooms on either side. Two ladders, one in the middle of the building and another outside, took residents up to the second floor, which had only one room.

Today Mescalero serves as the administrative and civic center of the greater Mescalero Apache Reservation. It is where most of the reservation’s offices and services are located, as well

⁴⁶ M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 99



as 1,361 of the 5,130 total reservation's residents⁴⁷. The town serves as an example of when Native planning practices are combined with the framework put forth by local, state and federal planning regulations. To better understand this, look no further than the statement of purpose in the Tribe's Land Use Code;

“The purpose of this Land Code is to preserve and protect the land-based patrimony of the Tribe in order that present and future generations of Mescalero Apaches may enjoy the productive capacity of the Reservation and maintain it as their home in perpetuity. Toward these ends this Land Use Code provides a fair and equitable program for use of Reservation lands by all tribal members⁴⁸”

⁴⁷ United States Census. “Mescalero, NM.” *Data USA*, 2020, datausa.io/profile/geo/mescalero-nm.

⁴⁸ “Mescalero Apache Tribal Code.” *MescaleroApacheTribe.com*, Mescalero Apache Tribal Council, 2020, mescaleroapachetribe.com/wp-content/uploads/Tribal-Code-FINAL-092716-for-tabbings-372018.pdf.



Mescalero, NM from the rim of Tularosa Canyon, by Cliff Barackman (image courtesy of Cliff Barackman.com)

While a reservation is still oppressive in nature to the Mescalero Apache people given their nomadic history, the land use plan for the reservation acknowledges the cultural significance and heritage of the historic lands which it exists on, and makes ‘preservation’ a priority in implementation and practice. The Tribal Council and ‘heads of households’ are given authority to allocate lands within the reservation according to the code, as was historically the case, albeit in a temporary setting rather than a permanent one (the code acknowledges this with the phrase “in perpetuity⁴⁹” in reference to title ownership). However this is still made difficult

⁴⁹ “Mescalero Apache Tribal Code.” *MescaleroApacheTribe.com*, Mescalero Apache Tribal Council, 2020,



by the regulations put forth by the state even on the Reservation itself. For instance, further on in the code it makes the point of saying that the presence of a “*federal, state, or tribal road*” makes that plot an “*inaccessible assignment (329).*”

While Mescalero serves the citizens of the Reservation, the nearby city of Ruidoso also offers facilities for Mescalero Apache events. The high school auditorium is often used for cultural events, and the Rodeo is usually held in Ruidoso to foster connectivity between the Tribe and the surrounding areas. Other economic boosters for the reservation located close to Mescalero are the Inn of the Mountain Gods⁵⁰, which offers lodging options as well as a 38,000 square foot casino⁵¹, and Ski Apache. Located on the spiritually significant Sierra Blanca Mountain, Ski Apache is unique in that it is the southernmost large-scale ski operation in the United States, and attracts thousands of visitors from Texas, New Mexico, Oklahoma, Chihuahua and Arizona through the winter months. The ski operation covers half of the mountain while the other half (including the summit) is protected on the Mescalero Reservation.

mescaleroapachetribe.com/wp-content/uploads/Tribal-Code-FINAL-092716-for-tabbings-372018.pdf.

⁵⁰ Gladden, Kerry. “Mescalero Apache - DiscoverRUIDOSO.com: Travel Information for Ruidoso, New Mexico.” *DiscoverRUIDOSO.com | Travel Information for Ruidoso, New Mexico*, DiscoverRUIDOSO.com | Travel Information for Ruidoso, New Mexico, 5 Apr. 2017, www.discoverruidoso.com/info/mescalero-apache.

⁵¹ Gambling is legal on Native American land in New Mexico - an issue looked at in more detail in the following section



Health



"Mescalero girls embark on one of the three short runs before their final run into the forest beyond" during Puberty Ritual and Rites ceremony, by Gabriella Marks. (image courtesy of New Mexico Magazine)

Equal in importance to government structure and physical infrastructure, Health is a critical part of the story of planning for the Mescalero Apache tribe. As outlined in the religion subsection of the culture section, traditionally health, both mental and physical, was seen as a crucial part of spiritualism and tribal values. In Mescalero Apache culture, attaining a balance of all aspects of health is critical for a healthy tribal environment, and for any progress to occur. Thus, health is treated with the utmost importance in Mescalero Apache day to day life, and has been for centuries. In the present day, the tribe has implemented these values into the current modern health network and system. Though not at a large scale compared to some surrounding



cities and communities, in most cases the health services located on the reservation do meet the day to day needs of tribe members, and there are even some specialized services such as diabetes and mental health services. In this section, the promises and pitfalls of health on the reservation, both historically and at present, and their relation to planning will be outlined.

Traditional Approaches to Health

Health related practices have been revered by the Mescalero centuries, and some of their most highly regarded tribe members, including Geronimo and Lozen, were medicine-men and women. Medicine people's role in addition to a spiritual one, involves herbal and psychological healing⁵², and is foundationally connected to the earth. Due to the religious belief that many aspects of nature are deities, medicine is thus seen as a connection to the creator, and aligns itself with the philosophy accordingly. Even in the Puberty Rite ceremony, a medicinal individual must be present as well, as they are seen as a part of life itself. Tribal medicine is seen as good for the individual, and good for the tribe, and is a guaranteed right for all tribe members.

The impact of colonizers on the Mescalero Apache people from a Human Ecology standpoint is another important health factor. Colonizers and the US Government changed both the societal structure of the Mescalero Apache people as well as their literal physical environment. In 1923 Harlan H. Barrows, then president of the Association of American Geographers defined all geographic inquiry as human ecology due to its relevance to healthy lifestyles. This set in stone the modern approach to assessing human ecology as a factor of health, and its current division into systemic issues, environmental conditions, hazards and (entity) responses. The very fact that the Mescalero Apache, and indeed many Southwestern tribes of Native Peoples did not recognize specific borders or even individual land ownership,

⁵² <https://www.everyculture.com/North-America/Mescalero-Apache-Religion-and-Expressive-Culture.html>



but rather collective ownership, meant that the psychological effects of forced borders by the United States government were strong to say the least. Despite a sense of pride for being on their traditional homeland, like any group forced to comply with practices against their will and against their own heritage the Mescalero Apache feel the devastating effects on mental health from these forced implementations to this day.

Contemporary Approaches to Health



Mescalero Indian Hospital, Mescalero, NM (image courtesy United States Health Resources and Services Administration)

The Mescalero approach to modern medicine has been no less serious, but far more challenging. There is an issue of Health Equity, i.e. the ability for all people to attain the highest level of health. In a broader sense, it is assurance of equal access to all opportunities for a healthy life. This brings people together on a level socioeconomic playing field in comparison to Health disparities, which adversely affect those of lower socioeconomic status, or other marginalized



groups, moreso. In academic literature, there has been a steady increase in looking at trends since the 90s/early 2000s to the present to understand the shift in the direction of public health focus from general populations to neighborhoods and in this case, small communities. This stands in comparison to the previous model of looking further back at longer term changes, which, though comprehensive, often leads to oversimplification and the inclusion of non-contextual factors on the individual neighborhood/community level. Structural deficiencies and their resultant social disadvantages are a prevalent issue for communities the world over. They cause a lack of mobility, and stop global health and justice from becoming a possibility. For the Mescalero, this translates to a lack of sufficient aid in Health services which meet the needs of the tribe and the region. This issue was especially brought to light during the COVID-19 Pandemic, in which the hospital became overwhelmed whenever cases surged. The City of Mescalero is the Mescalero Apache tribe's historical center of commerce, activity, and above all public services. As such, it is host to the Tribal Wellness Center, the current Mescalero Indian Hospital - a branch of New Mexico's Indian Health Services. Nearby are the Mescalero Care Center for the Elderly, and the Mescalero Diabetes Grant Center. Though all centrally located in relation to the rest of the Reservation by being in downtown Mescalero, they are still in separate areas of the town, and are small scale operations. The tribal wellness center is administered by the Mescalero Apache Tribal Council's Health Education Department. Their goals are as follows:

1. Disease Prevention
2. Nutrition/Obesity Education
3. Diabetes Education
4. Fitness & Weight Management Classes & Education



5. Community Fitness Center
6. Massage Therapy/Aesthetics
7. Other Continuing Health Education
8. General Administrative Duties



Mescalero System of Care marque design (image courtesy of Mescalero Apache Tribe website)

The Department of Health Education provides tribe members with access to a state of the art fitness facility, equipped with treadmills, stationary bikes, and elliptical machines, and a free weight room. They also provide various fitness classes for tribal members on certain days of the week. The Mescalero Indian Hospital is a 13-bed structure, comprising an area of around two city blocks. It is home to laboratory, radiology, dentistry, optometry, outpatient and inpatient



care, diabetic, women's health, behavioral health, and chronic pain clinics and services⁵³. As part of the Department of Indian Health Services, it has access to funding and other resources to ensure adequate medical services for the reservation are met. Given the relatively small staff and structure size, it also continues the tribal tradition of a personal relationship with medical professionals: patients are very close to their doctors who often have known them their whole lives. Referrals are scheduled by the doctor themselves for any services not available in Mescalero⁵⁴. The nearest large scale hospital complex is the Lincoln County Medical Center in Ruidoso, NM⁵⁵. Built in 1972, it serves the needs of a large geographic area East of the Rockies in Southern New Mexico. The hospital is located 21 miles away from Mescalero by two lane mountain road. The trip is made difficult when the all too common inclement weather of the Southern Rockies makes roads impassable. The Mescalero Care Center for the Elderly is another major health center on the reservation. It is a 40 bed operation with a live-in specialized focus staff, with speech and physical therapy facilities⁵⁶. Though it is a private operation in conjunction with the New Mexico state Human Services Department, it is an important part of the Mescalero health network, particularly for those on the reservation without families or children. As mentioned in the culture section of this writing, in Mescalero culture elderly people are given the utmost respect and attention, so it makes sense that their facility for the elderly would be relatively large, even in comparison to the Indian Hospital.

In 2016 the Mescalero Apache tribe was given a five year \$12.6 million dollar grant from the U. S. Department of Health and Human Services' Special Diabetes Program for Indians. The

53N.A. "Mescalero Service Unit: Healthcare Facilities." Albuquerque Area, 2021, www.ihs.gov/albuquerque/healthcarefacilities/mescalero/.

54Tribe, Mescalero Apache. "Home." Official Website of the Mescalero Apache Tribe, 17 Mar. 2021, mescaleroapachetribe.com/14294/ihs-information/.

55N.A. "Presbyterian Hospital." Welcome | Lincoln County Medical Center, 2021, lincoln-county-medical-center.phs.org/Pages/default.aspx.

56N.A. "MESCALERO CARE CENTER , New Mexico." , New Mexico, 2021, newmexico.networkofcare.org/mh/services/medicare-nursing-home-detail.aspx?pn=325116.



grant was to help with obesity, and diabetes prevention and treatment on the reservation, both through community programs and new prevention based programs. With diabetes rates among Native peoples tribes in the United States up to 2.3% higher than non-Hispanic whites, weight management is a chronic issue throughout Reservations across the country. This grant has already helped to curb some of this for the Mescalero people⁵⁷. In addition to these major health institutions on the reservation, there are other examples of how modern health and medical practices are incorporated into the reservation. One such service is Wraparound, a group that works with families trying to identify the best treatment options for children on the reservation. Another is the Mescalero System of Care, which provides mental health services for children in a comprehensive manner. They specialize in serious emotional disturbances, and offer services to youth between the ages 5 and 21. They offer both group and individual counseling, and well as equine therapy⁵⁸. There are also health guidelines and services written into the Tribal Code. There are other safety nets such as tribal child welfare (163), accident forgiveness (223), animal health (309), and mental health code (441). One quite relevant example due to the recent COVID-19 Pandemic is the Communicable Disease clause, which stipulates:

“No person who has any disease in a communicable form or is a carrier of such disease shall work in any concession, and no concession shall employ any person or persons suspected of having any disease in a communicable form or of being a carrier of such disease. If the concession manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local U. S. Public Health Service Indian Hospital (384)”

⁵⁷ Stallings, Dianne L. “Diabetes Grant Awarded to Mescalero Apache Tribe.” Ruidoso News, Ruidoso News, 28 Jan. 2016, www.ruidosonews.com/story/news/local/2016/01/28/diabetes-grant-awarded-mescalero-apache-tribe/79171326/.

⁵⁸ N.A. “Mescalero System of Care.” *Official Website of the Mescalero Apache Tribe*, 2021, mescaleroapachetribe.com/mescalero-system-of-care/.



Contemporary Economic Development

Though not without some sacrifices, the Mescalero have formed an economic safety net through various practices which has helped them to serve their own needs on the reservation when the government has come up short. Indeed, as mentioned in the literature review, economic development has played a key role in the formation of a safety net for the Mescalero Apache tribe with which they operate without dependency on external forces such as the state and federal government and their related Native peoples agencies. In the present day, this directly influences planning in ways ranging from housing to infrastructure to public health programs.

Contemporary Economy

In the present day the economy of the Mescalero Apache reservation is centered around industry and tourism. Due to its location in the Southern Rocky Mountains, the logging industry has been strong in New Mexico for centuries. The Mescalero Apache have been logging for themselves as long as they have lived there, using logs to construct their portable homes. A major portion of the reservation is the Mescalero Apache forest reserve. It covers an area of just around two-thirds of the entire reservation and much of it is still virginal forest. In addition to minor logging operations, the forest's primary use in pre-colonial days was for gathering food.

Later still they permitted some logging on their lands in exchange for compensation. However, they entered the logging economy as a player themselves in 1936. A deal was struck up between the tribe and sawmill in Alamogordo, with essential funding provided by the Federal Bureau of Indian Affairs. The tribe would harvest the logs, which were then sent to be processed in Alamogordo, all funded by the Federal Bureau of Indian Affairs. This provided jobs for tribe members, and more importantly, wood with which to build homes on the reservation, and money



to plant seedlings⁵⁹. The wood was also sold to the war effort during World War II, earning the tribe much needed income. This money was also critical to paying off loans given out a decade previously as part of the Indian Reorganization Act, essentially wiping away all debts and giving more power back to the reservation.

Though lumber in general is much less of a powerful commodity, it is still one of the most important exports on the reservation, and thus one of its primary economic drivers. Though some of the forests are protected, the proximity to the Lincoln National Forest nearby ensures that the logging occurring on the reservation will not cause irreparable damage, particularly when logged areas are in danger of fires due to climate change.



Current cattle heard on the Mescalero Apache Cattle Ranch, by Ruth Wold (image courtesy of Central Station.net)

⁵⁹ M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 119-120



The Mescalero cattle industry is also a strong economic driver on the Mescalero Apache Reservation. Though raising other livestock such as horses was an older tradition, cattle raising is a recent phenomenon, with roots really only stretching back to the 19th century. As mentioned previously, the livestock kept by the Mescalero in the period after the reservation was established was small and often subject to rustling by outlaws, bandits, and unfriendly neighbors. As time went by, however, both livestock numbers and protective measures grew. Between 1884 and 1915, the number of cattle increased nearly 10 fold from 250 heads to 2000⁶⁰. This boost was partially fueled by the end of cattle permit restrictions in New Mexico in 1913, which allowed more livestock to be privately owned by the tribe. This coupled with the First World War and its need for beef to feed soldiers overseas caused an economic boom for the tribe, and set in stone their role as major ranchers in the region. Six pasture permits were granted in 1913 on the reservation, with a total of 6,250 head of cattle grazing on the reservation by the following year. The Superintendent of the Commission of Indian Affairs at the time was C. R. Jefferies, and he provided much support for the efforts of the Mescalero Apache to strengthen their cattle industry. He helped supply them with more heads of cattle from Mexico, as well as a trained crew of cattlemen who could in turn, train the Native population in up to date cattle practices. In a letter that year written by Jefferies, he made an important note about the Mescaleros self-sufficient approach to cattle raising which highlights their greater approach to economics: "There exists an *absolute* moral and legal obligation to these Indians[sic] to stock the reservation with their own cattle."⁶¹ Jefferies clearly was an important ally in the Mescalero Apache people's economic development.

⁶⁰ M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 67

⁶¹ " " 71



As time went on the individual form of ownership continued on the reservation, with separate ranches grazing cattle year round on different parts of the reservation. This approach worked well at first, but as the cattle industry became more streamlined across the world, it became clear that a different approach needed to be taken. In 1945 the different ranches across the reservation came together, combining their stock into a single management group for the reservation. The Mescalero Indian Cattle Growers' Association was thus created, with a focus on conservation and tribal wellness, and rules structured along cattle raising guidelines set forth by the Indian Reorganization Act. A set of bylaws accordingly layed out the mission of the group:

"We the undersigned members, all of whom are residents of the Mescalero Indian Reservation and of the State of New Mexico and engaged in the production of livestock and livestock products do hereby voluntarily associate together, without capital stock, for the purpose of forming a nonprofit cooperative livestock association" (Mescalero Indians Cattle Growers' Association, 1945).



Mescalero Apache Cattlemen in the mid 20th Century, by bunkyspickle (image courtesy of Flickr.com)

The mid 20th century saw a steady increase in productivity of the reservation's cattle operation. In the 1950s, after consultation with other western ranchers from Arizona, it was agreed upon that the operation would scale back in scope to increase profits. The range carrying capacity of the reservation was set at 6,500 cattle, in comparison to the previous ambitious number of 10,340 cows⁶². Additionally, the grazing was split again into three units, but still managed by the same Mescalero Indians Cattle Growers' Association. The plan worked, and profits increased by 10% each year for the subsequent three years. Unfortunately, the 1960s saw an overall decrease in profits nationwide to the cattle industry, which led to a subsequent

⁶² M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 67



decrease in interest from the reservation. While cattle is still raised on the reservation, it has never reached the same level of importance as it did in the years following the second world war.

At present, tourism is the most significant money maker for the Mescalero Apache people. With the Inn of the Mountain Gods and the Ski Apache Resort both located on the reservation lands and operated by the tribe, they serve as two dependable sources of income for the Mescalero Apache people. Additionally its proximity to West Texas and other cities in New Mexico make it a hub for tourism in general.

Ski Apache is also owned by the tribe and sits on the slopes just north of their sacred Sierra Blanca Peak, and the nearby community of the same name. It was opened in 1963 and has grown in size and operational aspirations since. The ski resort is run in conjunction with Lincoln National Forest, and is accessible by a long, winding forest service road. Despite its relatively isolated location, at 12,000 feet above sea level, the snow conditions make it one of the most popular ski resorts in the southwest. The facility features 55 runs and trails, 11 lifts, and a cumulative vertical drop of 1,900 feet. In total, the area comprises just over 750 skiable acres of land, 20% of which are for beginners, 60% for intermediate skiers, and 20% for experts. This draws in skiers from as far as Houston and even Louisiana, as it is closer and more affordable than some other resorts in Colorado, Utah, Montana, and Wyoming, bringing in much revenue for the reservation annually.



Ski Apache Trail Map (image courtesy of Ski Apache website)



Inn of the Mountain Gods and nearby stock pond (image courtesy of KFOX.com)

The Inn of the Mountain Gods was constructed in 1978 by the Mescalero Apache Tribe off of U.S. Highway 70. It offers guests boutique hotel accommodations, three restaurants, four lounges, a theatre for live entertainment, a gift shop, and a convention and expo center. The premises also has an 18-hole golf course, tennis courts, horseback riding trails and stables, hiking, fishing areas, swimming with saunas, and a skeet shooting range. In addition to activities on the premises, the hotel is also popular among visitors who wish to explore activities in Ruidoso such as the Ruidoso Downs horse races, or nearby skiing in Cloudcroft or Ski Apache⁶³.

⁶³ M. L. Henderson, *Landscape Changes on the Mescalero Apache Reservation: Eastern Apache Adaptation to Federal Indian Policy* p. 185



Horse Racers at the Ruidoso Downs (image courtesy of raceruidoso.com)



Conclusion

The dehumanizing treatment of Native Peoples transcended into everything in their lives, including Planning. Because Native People have been an afterthought in a world that is, more often than not, planned from a White perspective, most spaces not planned in any sort of Native lens, even many reservations. The idea of singular spatial permanence for instance may have been an attribute for some groups, but for others like the Mescalero Apache who more commonly had nomadic villages⁶⁴, this notion goes against cultural traditions stretching back centuries. This issue transcends into land use rights, traditions, mental and physical health, religion, economics, the built environment, and even the law for Native peoples, and it has been a contentious one since the first Europeans came to the United States, to the present day. In a 2017 University of Michigan Legal Review, the oppressive nature of “*the complexity of today’s federally imposed reservation property system*”⁶⁵, was outlined as doing, “*much of the same colonizing work that historic Indian land policies—from allotment to removal to termination—did overtly*” (Shoemaker 487). However the difference in approach between the Colonial/Frontier Era and the present day was noted as being hidden within the guise of paperwork: “*these inequities are largely overshadowed by the daunting complexity of the whole land tenure structure.*”

The Mescalero Apache people have a centuries old approach to planning. A once solely nomadic society with temporary and mobile villages, the Mescalero Apache were united by their relationship to the land both spiritually and physically. It provided them with food, shelter, and

⁶⁴ “Our Culture.” *Official Website of the Mescalero Apache Tribe*, 2020, mescaleroapachetribe.com/our-culture/.

⁶⁵ Shoemaker, Jessica A. “COMPLEXITY’S SHADOW: AMERICAN INDIAN PROPERTY, SOVEREIGNTY, AND THE FUTURE.” *MichiganLawReview.org*, University of Michigan Press, 2017, michiganlawreview.org/wp-content/uploads/2017/02/115MichLRevShoemaker_487.pdf.



virtually all of their needs. As such, it became the center of how and where communities were constructed, and how those communities developed and shifted. It also influenced outlooks on day to day life, health, society, and spiritualism, all of which effected the environment the Mescalero Apache built for themselves and lived in. Unfortunately, as the Mescalero Apache homeland was encroached upon by outsiders, this way of life had to change.

However, due to a history of an adaptive approach, the Mescalero Apache have found ways to retain their strong traditions and many of their historic outlooks and approaches to planning within the new contexts they have faced. Additionally, the creation of various economic safety nets and other forms of self sufficiency, combined with the (somewhat unstable and unpredictable) levels of sovereign independence granted by the Federal Government via the Indian Reorganization Act and the Bureau of Indian Affairs, have given the Mescalero Apache People enough freedom to provide for their people in a way that puts a strong emphasis on those traditions. While much more can be done for Native peoples across the country, including the Mescalero Apache, the lesson in their story of planning lies in this adaptability. In this regard, outside planners should learn from the Mescalero Apache approach to planning two things. The first is that safety nets or other independent community development initiatives are imperative to ensuring that when the federal, state, or local governments come up short, the community still has the resources it needs to prosper. The second is ensuring that those safety nets do not encroach on community values. The examples put forth by the Mescalero Apache Tribe show how this is done.

Perhaps the most significant value of this research, however, is the opportunity it provides for non-Native peoples to learn and incorporate indigenous practices and outlooks into the greater scope of planning as a whole. The Mescalero Apache are united by their relationship



to the land both spiritually and physically. For centuries it has provided them with food, shelter, and virtually all of their needs. As such, it became the center of how and where communities were constructed, and how those communities developed and shifted. It also influenced outlooks on day to day life, society, spiritualism, and health. These in turn affected the environment the Mescalero Apache built for themselves and lived in.

Incorporating this tradition into planning practice has kept it alive, but due to a White-dominated planning narrative, as well as centuries of directly oppressive practices towards tribes like the Mescalero Apache, this approach and its benefits have been overlooked altogether. Moreover, the negative impacts of external actors on the tribe directly resulted in the need for safety nets such as the diverse economic practices the Mescalero Apache have had to resort to as a means of defense. Though the Mescalero Apache have adapted these practices to fit their own best interests as well (and much can be learned from this strategic approach), it still must be acknowledged that this was, at least originally, not out of choice but out of necessity. The fact that the tribe not only adapted to the situation, but also incorporated it into their holistic planning style is a testament to the strength of the system that was already in place.

To the outside world, the issues of heritage, ecology, religion, health, economics, the built environment, social and gender equity, and accessibility are nothing new. But in the modern world, they include an emphasis on issues such as green cities, sustainability, gender inclusivity, informality, all of which are at the cutting edge of how non-indigenous planners are thinking about the future of the field. From the United Nations' 2016 *Sustainable Development Goals Healthy Cities Policy Brief*, which speaks of the significance of a well rounded approach to city planning across the world was outlined as being focused on "social, economic and environmental ambitions," to Harvard GSD's intensive focus on ecological urbanism as a tool for



future planners to use, incorporating an ecologically sensitive framework into cities across the globe is at the forefront of today's urban policy. Yet for hundreds of years, the Mescalero Apache tribe has accomplished this successfully through their spiritual and ecological mindset to the built environment, and inclusive approach to the social environment. Further, as a society which has had an emphasis on diverse and inclusive power dynamics, the Mescalero Apache are lightyears ahead of most of the United States in breaking down gender and socioeconomic barriers. Still, due to ignorance, overshadowing, and flat out racism, clear solutions have gone unnoticed.

With a more focused understanding of how these practices have worked well for the Mescalero for so long, planners could easily incorporate these best practices into other places' comprehensive plans. What's more, it is an opportunity to finally incorporate indigenous voices into the big picture, bring us closer together in the process, and to work harder towards bridging a centuries old gap. While it will not fix the damage done, it surely is a move in the right direction, because if there is one lesson the Mescalero Apache approach to planning teaches us, it is that we are stronger united.



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